

SECOND REGULAR SESSION

[CORRECTED]

[PERFECTED]

# SENATE BILL NO. 897

95TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATOR LAGER.

Read 1st time February 4, 2010, and ordered printed.

Read 2nd time February 8, 2010, and referred to the Committee on Commerce, Consumer Protection, Energy and the Environment.

Reported from the Committee February 18, 2010, with recommendation that the bill do pass and be placed on the Consent Calendar.

Removed from the Consent Calendar February 23, 2010.

Re-reported from the Committee February 25, 2010, with recommendation that the bill do pass.

Taken up for Perfection March 3, 2010. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4938S.01P

---

---

## AN ACT

To repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to public service commissioners, with an emergency clause.

---

---

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 386.210, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 386.210, to read as follows:

386.210. 1. The commission may confer in person, or by correspondence,  
2 by attending conventions, or in any other way, with the members of the public,  
3 any public utility or similar commission of this and other states and the United  
4 States of America, or any official, agency or instrumentality thereof, on any  
5 matter relating to the performance of its duties.

6 2. Such communications may address any issue that at the time of such  
7 communication is not the subject of a case that has been filed with the  
8 commission.

9 3. Such communications may also address substantive or procedural  
10 matters that are the subject of a pending filing or case in which no evidentiary  
11 hearing has been scheduled, provided that the communication:

12 (1) Is made at a public agenda meeting of the commission where such  
13 matter has been posted in advance as an item for discussion or decision;

14 (2) Is made at a forum where representatives of the public utility affected  
15 thereby, the office of public counsel, and any other party to the case are present;

16 or

17 (3) If made outside such agenda meeting or forum, is subsequently  
18 disclosed to the public utility, the office of the public counsel, and any other party  
19 to the case in accordance with the following procedure:

20 (a) If the communication is written, the person or party making the  
21 communication shall no later than the next business day following the  
22 communication file a copy of the written communication in the official case file  
23 of the pending filing or case and serve it upon all parties of record;

24 (b) If the communication is oral, the party making the oral communication  
25 shall no later than the next business day following the communication file a  
26 memorandum in the official case file of the pending case disclosing the  
27 communication and serve such memorandum on all parties of record. The  
28 memorandum must contain a summary of the substance of the communication  
29 and not merely a listing of the subjects covered.

30 4. Nothing in this section or any other provision of law shall be construed  
31 as imposing any limitation on the free exchange of ideas, views, and information  
32 between any person and the commission or any commissioner, provided that such  
33 communications relate to matters of general regulatory policy and do not address  
34 the merits of the specific facts, evidence, claims, or positions presented or taken  
35 in a pending case unless such communications comply with the provisions of  
36 subsection 3 of this section.

37 5. The commission and any commissioner may also advise any member of  
38 the general assembly or other governmental official of the issues or factual  
39 allegations that are the subject of a pending case, provided that the commission  
40 or commissioner does not express an opinion as to the merits of such issues or  
41 allegations, and may discuss in a public agenda meeting with parties to a case in  
42 which an evidentiary hearing has been scheduled, any procedural matter in such  
43 case or any matter relating to a unanimous stipulation or agreement resolving all  
44 of the issues in such case.

45 6. The commission may enter into and establish fair and equitable  
46 cooperative agreements or contracts with or act as an agent or licensee for the  
47 United States of America, or any official, agency or instrumentality thereof, or  
48 any public utility or similar commission of other states, that are proper,  
49 expedient, fair and equitable and in the interest of the state of Missouri and the  
50 citizens thereof, for the purpose of carrying out its duties pursuant to section  
51 386.250 as limited and supplemented by section 386.030 and to that end the

52 commission may receive and disburse any contributions, grants or other financial  
53 assistance as a result of or pursuant to such agreements or contracts. Any  
54 contributions, grants or other financial assistance so received shall be deposited  
55 in the public service commission utility fund or the state highway commission  
56 fund depending upon the purposes for which they are received.

57 7. The commission may make joint investigations, hold joint hearings  
58 within or without the state, and issue joint or concurrent orders in conjunction  
59 or concurrence with any railroad, public utility or similar commission, of other  
60 states or the United States of America, or any official, agency or any  
61 instrumentality thereof, except that in the holding of such investigations or  
62 hearings, or in the making of such orders, the commission shall function under  
63 agreements or contracts between states or under the concurrent power of states  
64 to regulate interstate commerce, or as an agent of the United States of America,  
65 or any official, agency or instrumentality thereof, or otherwise.

66 **8. The commission may appear in any proceeding at the Federal**  
67 **Energy Regulatory Commission, the Nuclear Regulatory Commission,**  
68 **the Federal Communications Commission, or any other federal**  
69 **administrative agency that has jurisdiction over a utility that is**  
70 **regulated by the commission or whose decisions may affect utility rates**  
71 **or service in Missouri. The commission may also file or otherwise**  
72 **participate in appeals from such federal administrative agencies. This**  
73 **subsection applies to all proceedings pending at the time of, or**  
74 **commenced after, the effective date of this section.**

Section B. Because of the immediate need for public service commissioners  
2 to be able to participate in certain proceedings currently taking place, section A  
3 of this act is deemed necessary for the immediate preservation of the public  
4 health, welfare, peace and safety, and is hereby declared to be an emergency act  
5 within the meaning of the constitution, and section A of this act shall be in full  
6 force and effect upon its passage and approval.

✓